

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AKAMAI TECHNOLOGIES, INC., and)	
MASSACHUSETTS INSTITUTE OF)	
TECHNOLOGY,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO. 10-11921-GAO
vs.)	
)	
)	
COTENDO, INC.,)	
)	
Defendant.)	

**PLAINTIFFS AKAMAI TECHNOLOGIES, INC. AND MASSACHUSETTS
INSTITUTE OF TECHNOLOGY'S ANSWER TO
DEFENDANT COTENDO, INC.'S COUNTERCLAIMS**

Plaintiffs Akamai Technologies, Inc. ("Akamai") and Massachusetts Institute of Technology ("MIT"), by and through their counsel, hereby answer the Counterclaims filed against them in this action by Defendant Cotendo, Inc. ("Cotendo") as follows:

THE PARTIES

1. Upon information and belief, admitted.
2. Admitted.
3. Admitted.

JURISDICTION AND VENUE

4. Paragraph 4 of the Counterclaims sets forth conclusions of law to which no response is required.

5. Plaintiffs admit that Akamai's principal place of business is in Massachusetts and that MIT is located in Massachusetts. The remainder of Paragraph 5 of the Counterclaims sets forth conclusions of law to which no response is required.

6. Admitted.

COUNTERCLAIM ONE: '959 PATENT

7. Plaintiffs repeat and incorporate by reference each of the responses contained in paragraphs 1-6 of this Answer as if fully set forth herein.

8. Plaintiffs admit that an actual justiciable controversy exists between Cotendo and Plaintiffs as to Cotendo's infringement of the '959 patent.

9. Plaintiffs admit that Cotendo's Answer raises an actual and justiciable controversy between Cotendo and the Plaintiffs as to the validity of the '959 patent

10. Denied.

11. Denied.

12. Paragraph 12 of the Counterclaims contains requests for relief to which no response is required. To the extent that Paragraph 12 of the Counterclaims contains allegations to which some response is deemed necessary, Plaintiffs deny all such allegations, and deny that Cotendo is entitled to any of the requested relief.

13. Paragraph 13 of the Counterclaims contains requests for relief to which no response is required. To the extent that Paragraph 13 of the Counterclaims contains allegations to which some response is deemed necessary, Plaintiffs deny all such allegations, and deny that Cotendo is entitled to any of the requested relief.

COUNTERCLAIM TWO: '133 PATENT

14. Plaintiffs repeat and incorporate by reference each of the responses contained in paragraphs 1-13 of this Answer as if fully set forth herein.

15. Plaintiffs admit that an actual justiciable controversy exists between Cotendo and Plaintiffs as to Cotendo's infringement of the '133 patent.

16. Plaintiffs admit that Cotendo's Answer raises an actual and justiciable controversy between Cotendo and the Plaintiffs as to the validity of the '133 patent.

17. Denied.

18. Denied.

19. Paragraph 19 of the Counterclaims contains requests for relief to which no response is required. To the extent that Paragraph 19 of the Counterclaims contains allegations to which some response is deemed necessary, Plaintiffs deny all such allegations, and deny that Cotendo is entitled to any of the requested relief.

20. Paragraph 20 of the Counterclaims contains requests for relief to which no response is required. To the extent that Paragraph 20 of the Counterclaims contains allegations to which some response is deemed necessary, Plaintiffs deny all such allegations, and deny that Cotendo is entitled to any of the requested relief.

COUNTERCLAIM THREE: '093 PATENT

21. Plaintiffs repeat and incorporate by reference each of the responses contained in paragraphs 1-20 of this Answer as if fully set forth herein.

22. Plaintiffs admit that an actual justiciable controversy exists between Cotendo and Plaintiffs as to Cotendo's infringement of the '093 patent.

23. Plaintiffs admit that Cotendo's Answer raises an actual and justiciable controversy between Cotendo and the Plaintiffs as to the validity of the '093 patent.

24. Denied.

25. Denied.

26. Paragraph 26 of the Counterclaims contains requests for relief to which no response is required. To the extent that Paragraph 26 of the Counterclaims contains allegations to which some response is deemed necessary, Plaintiffs deny all such allegations, and deny that Cotendo is entitled to any of the requested relief.

27. Paragraph 27 of the Counterclaims contains requests for relief to which no response is required. To the extent that Paragraph 27 of the Counterclaims contains allegations to which some response is deemed necessary, Plaintiffs deny all such allegations, and deny that Cotendo is entitled to any of the requested relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Akamai and MIT deny that Cotendo is entitled to any of the relief requested in its Answer, Affirmative Defenses and Counterclaims, and respectfully request that, in addition to the relief requested in its Complaint, judgment be entered on Cotendo's Counterclaims:

A. Declaring that U.S. Patent Nos. 7,693,959, 6,820,133 and 7,293,093 have been infringed by Cotendo and denying Cotendo's request for entry of a judgment of non-infringement with respect to each of these patents;

B. Declaring that U.S. Patent Nos. 7,693,959, 6,820,133 and 7,293,093 are valid and denying Cotendo's request for entry of a judgment of invalidity with respect to each of these patents;

C. Awarding Plaintiffs Akamai and MIT their costs and attorneys' fees incurred in this action;

D. Denying all relief requested by Cotendo; and

E. Granting to Plaintiffs Akamai and MIT such other and further relief as the Court deems appropriate.

Dated: January 28, 2011

Respectfully submitted,

By: /s/ Courtney M. Schou

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as nonregistered participants on January 28, 2011.

/s/ Courtney M. Schou
Courtney M. Schou